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| APPLICATION NO.            | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------|-------------|----------------------|---------------------|------------------|
| 10/647,258                 | 08/26/2003  | Koichi Nishimura     | 392.1811            | 2081             |
| 21171                      | 7590        | 04/27/2006           | EXAMINER            |                  |
| STAAS & HALSEY LLP         |             |                      | MACKEY, JAMES P     |                  |
| SUITE 700                  |             |                      | ART UNIT            |                  |
| 1201 NEW YORK AVENUE, N.W. |             |                      | PAPER NUMBER        |                  |
| WASHINGTON, DC 20005       |             |                      | 1722                |                  |

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/647,258 | <b>Applicant(s)</b><br>NISHIMURA ET AL. |  |
|                              | <b>Examiner</b><br>James Mackey      | <b>Art Unit</b><br>1722                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §.119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 6, 8 and 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The original disclosure does not describe “a position of at least one element of the adjusting mechanism against the guide face is varied in order to adjust the inclination of the moving platen in a horizontal direction”, as claimed in independent claim 1, **and also wherein** each adjusting mechanism includes a rotary roller rotating around the head of a fixing shaft, as claimed in claim 6, **or wherein** each adjusting mechanism includes a plate disposed at the tip of a screw which is screwed to a fixing member, as claimed in claims 8 and 9. In each of these embodiments (as shown and described in relation to Figures 3, 5 and 6), the inclination of the moving platen is adjusted by movement of an element of an adjusting mechanism, but such movement of said element in these embodiments is **not described** as varying of a position of the element against the guide face as claimed in independent claim 1.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 3 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, line 3, "the movable platen" lacks proper antecedent basis in the claim.

In claim 5, lines 3-4, "the base frame" lacks proper antecedent basis in the claim.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 4, 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Document 7-195473.

Japan '473 teaches a clamping mechanism comprising upper guide faces (on guides 4) formed at an inside surface of a base (the upper guide surfaces are considered to be "inside" with respect to the molds thereabove, since the bottoms of the guides are clearly outside with respect to the molds), and adjusting mechanisms 5 fixed under the moving mold platen 2 so as to freely abut against the guide faces to adjust the inclination of the moving platen (the adjustment of any one of the adjusting mechanisms 5a and 5b clearly causing movement of the moving platen, such movement clearly having a horizontal component and thus reading on the claimed recitation of adjusting the inclination "in a horizontal direction relative to a vertical axis of the moving platen"), the adjusting mechanisms comprising fixing members 8 having a slope and slide plates 20 having a slope adapted to contact the slope of the respective fixing members such that the slide plates are interposed between the fixing members and the guide faces and such that the

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slide plate face opposite the slide plate slope comes into contact with the respective guide face, wherein the slide plates are attached to the fixing members via screws 16. Adjustment of one of the adjusting mechanisms 5a, 5b clearly results in varying the position of the slide plate against the guide face, as claimed in claim 1.

7. Claim 10 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Japanese Patent Document 62-104918.

Japan '918 teaches a clamping mechanism comprising guide faces 3 formed at an inside surface of a base (the upper guide surfaces are considered to be "inside" with respect to the molds thereabove), and at least two adjusting mechanisms 20 fixed to the underside of the moving mold platen 5 and including at least one element 23-25 abutting against the guide face and adjusting against the guide face (see Figures 3-4) for adjusting the inclination of the moving platen "in a horizontal direction relative to a vertical axis of the moving platen" as claimed (adjustment of eccentric elements 23-25 tilts the moving platen, which clearly inclines the moving platen relative to the vertical axis, such inclination clearly including a horizontal component).

8. Claims 1, 2, 4, 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Sauerbruch et al. (U.S. Patent 3,674,400; Figures 14-16).

Sauerbruch et al. teach a clamping mechanism comprising guide faces 11 formed on an inside surface of a base 10 (the upper guide surfaces are considered to be "inside" with respect to the molds thereabove, since the bottoms of the guides are clearly outside with respect to the molds), and at least two adjusting mechanisms fixed to the underside of the moving mold platen 5 and including at least one element 19, 29, 31 (Figures 14-16) which abuts and adjusts against

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the guide face and is capable of adjusting the inclination of the moving platen "in a horizontal direction relative to a vertical axis of the moving platen" as claimed (adjustment of one element 19, 29, 31 on one side of the moving platen will clearly tilt the moving platen and thus will incline the moving platen relative to the vertical axis, such inclination clearly including a horizontal component). In one embodiment (Figure 15), the adjusting mechanisms include a fixing member 27' attached to the moving platen and having a slope, a slide plate 31 having a slope contacting the slope of the fixing member and a face opposite the slope thereof which contacts the guide face, and a screw 30' attaching the slide plate to the fixing member, such that a position of the slide plate 31 against the guide face is varied during adjustment.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

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evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Japanese Patent Document 7-195473 or Sauerbruch et al. (U.S. Patent 3,674,400; Figures 14-16), in view of Shima et al. (U.S. Patent 4,571,169; Figures 1 and 7).

Each of Japan '473 and Sauerbruch et al. disclose the clamping mechanism substantially as claimed, except for the adjusting mechanisms being associated with a rear platen which is disposed opposite to the stationary platen with respect to the movable mold platen. Shima et al. disclose a clamping mechanism comprising stationary mold platen 2, movable mold platen 7, and rear platen 8 disposed opposite to the stationary platen with respect to the movable mold platen, with adjustable sliding guides 46, 47 located at both the movable mold platen and the rear platen. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify either Japan '473 or Sauerbruch et al. by providing the adjusting mechanisms associated with the rear platen, as disclosed in Shima et al., in order to permit adjustment of the inclination of either or both of the movable mold platen and the rear platen.

13. Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Japanese Patent Document 7-195473, Japanese Patent Document 62-104918 and Sauerbruch et al. (U.S. Patent 3,674,400; Figures 14-16).

Each of Japan '473, Japan '918 and Sauerbruch et al. disclose the clamping mechanism substantially as claimed, except for the adjusting mechanisms being mounted to the base for

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cooperation with guide faces formed at a side surface in the lower portion of the moving platen.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify any one of Japan '473, Japan '918 and Sauerbruch et al. by providing the adjusting mechanisms mounted to the base for cooperation with guide faces formed at a side surface of the lower portion of the moving platen, since a skilled artisan would have recognized that the adjustable support of the moving platen would function equally well with the guide faces and cooperating adjusting mechanisms located at either the base or the moving platen, and since such amounts to the mere reversal of location of parts without affecting the functioning of the machine; note that it has generally been recognized that to shift location of parts when the operation of the device is not otherwise changed is within the level of ordinary skill in the art, see *In re Japikse*, 86 USPQ 70, and *In re Gazda*, 104 USPQ 400.

14. Applicant's arguments filed 22 February 2006 have been fully considered but they are not persuasive.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



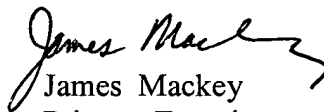
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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Mackey whose telephone number is 571-272-1135. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James Mackey  
Primary Examiner  
Art Unit 1722

4/25/06

jpm  
April 25, 2006